



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

11:00 A.M.

TUESDAY, September 22, 2009

The Senate met.

The Senate was called to order by President Risser.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Absent – None.

Absent with leave – Senator Lassa – 1.

The Senate stood for the prayer which was offered by Rev. Tina Lang from First United Methodist Church on the Capitol Square in Madison.

The Senate remained standing and Senator Lehman led the Senate in the pledge of allegiance to the flag of the United States of America.

LEAVES OF ABSENCE

Senator Decker, with unanimous consent, asked that Senator Lassa be granted a leave of absence for today's session.

REPORT OF COMMITTEES

The committee on **Agriculture and Higher Education** reports and recommends:

PRUITT, CHUCK, of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2016.

Confirmation.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

WINGAD, AARON, of Eau Claire, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 114

Relating to: the use of pesticides by veterinarians and veterinary technicians.

Passage.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 121

Relating to: requiring the Center on Education and Work at the University of Wisconsin–Madison to establish a career conversations program.

Passage.

Ayes, 3 – Senators Vinehout, Kreitlow and Plale.

Noes, 2 – Senators Harsdorf and Kapanke.

Senate Bill 223

Relating to: composition of the Board of Regents of the University of Wisconsin System.

Passage.

Ayes, 4 – Senators Vinehout, Kreitlow, Harsdorf and Kapanke.

Noes, 1 – Senator Plale.

KATHLEEN VINEHOUT
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Bill 257**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a cosponsor of **Assembly Bill 8**.

Pursuant to Senate Rule 17 (5), Representative Nerison added as a cosponsor of **Senate Bill 114**.

Pursuant to Senate Rule 17 (5), Senator Jauch added as a cosponsor of **Assembly Bill 8**.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 66
Assembly Joint Resolution 69
Assembly Joint Resolution 72

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 66

Relating to: the life and military service of Private First Class Steven Drees.

By Representative Nygren; cosponsored by Senator Hansen.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 69

Relating to: the life and military service of Wisconsin Army National Guard Master Sergeant Brian K. Naseman of Racine.

By Representatives Vos, Mason and Turner; cosponsored by Senator Lehman.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 72

Relating to: the life and public service of Edward Moore Kennedy.

By Representatives Nelson, Hilgenberg, Parisi, Soletski, Zigmunt, Garthwaite, Black, Pocan, Young, Roys, Jorgensen, Milroy, Danou, Benedict, Kessler, Hixson, Pope–Roberts, Hebl, A. Williams, Grigsby, Molepske Jr., Sinicki, Seidel, Hrachuck, Van Akkeren, Steinbrink, Turner, Vruwink, Schneider, Hubler, Zepnick, Pasch, Bernard Schaber, Cullen, Clark, Staskunas, Toles, Barca and Sheridan.

Read and referred to committee on **Senate Organization**.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 66** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 66

Relating to: the life and military service of Private First Class Steven Drees.

The question was: Shall **Assembly Joint Resolution 66** be concurred in?

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 66**.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 69** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 69

Relating to: the life and military service of Wisconsin Army National Guard Master Sergeant Brian K. Naseman of Racine.

The question was: Shall **Assembly Joint Resolution 69** be concurred in?

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 69**.

Senator Decker, with unanimous consent, asked that all action be immediately message to the Assembly:

Assembly Joint Resolution 66

Assembly Joint Resolution 69

Messaged.

Senator Decker, with unanimous consent, asked that the Senate recess until 12:00 P.M.

11:15 A.M.

RECESS

12:01 P.M.

The Senate reconvened.

President Risser in the chair.

ADVICE AND CONSENT OF THE SENATE

Senator Decker, with unanimous consent, asked that all appointments, with the exception of James Rooney, Christine Thomas, and Jane Wiley, be taken up en masse.

BROWN, SENN, of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term May 1, 2012.

DEVINE, DAN, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2014.

ERICKSON, LARRY, of Hurley, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2012.

FINORA, ROSEMARY, of Pewaukee, as a member of the Employee Trust Funds Board, to serve for the term ending May 1, 2013.

JOYNER, BENNIE, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2014.

KINNEY, MAUREEN, of La Crosse, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2014.

MADRIGRANO, ALDO, of Sussex, as a member of the State Fair Park Board, to serve for the term ending May 1, 2010.

WHITE, DONNA, of Cambria, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2012.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Lassa – 1.

Confirmed.

ROONEY, JAMES, of Racine, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2014.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Lassa – 1.

Confirmed.

THOMAS, CHRISTINE, of Plover, as a member of the Natural Resources Board, to serve for the term ending May 1, 2015.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Lassa – 1.

Confirmed.

WILEY, JANE, of Wausau, as a member of the Natural Resources Board, to serve for the term ending May 1, 2015.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Lassa – 1.

Confirmed.

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS NOT REQUIRING A THIRD READING

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 46** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 46

Relating to: proclaiming Juror Appreciation Month.

Adopted.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 19** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 19

Relating to: the life and public service of Carroll E. Metzner.

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 68** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 68

Relating to: the life and public service of Edwin C. Stephan.

The question was: Shall **Assembly Joint Resolution 68** be concurred in?

Concurred in.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 70** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 70

Relating to: proclaiming September 18, 19, and 20, 2009, as Gemuetlichkeit Days.

The question was: Shall **Assembly Joint Resolution 70** be concurred in?

Concurred in.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 71** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 71

Relating to: the H1N1 virus and its impact on Wisconsin.

The question was: Shall **Assembly Joint Resolution 71** be concurred in?

Concurred in.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 39

Relating to: continuity of government (first consideration).

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 59** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 59

Relating to: continuity of government (first consideration).

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the joint resolution be considered for final action at this time.

Assembly Joint Resolution 59

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf,

Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 29.

Noes – Senators Grothman, A. Lasee and Lazich – 3.

Absent or not voting – Senator Lassa – 1.

Concurred in.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 39** be laid on the table.

Senate Bill 89

Relating to: requirements for pupils enrolled in five-year-old kindergarten.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 119** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Bill 119

Relating to: requirements for pupils enrolled in five-year-old kindergarten.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 119

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen and Schultz – 15.

Absent or not voting – Senator Lassa – 1.

Concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 89** be laid on the table.

Senate Bill 190

Relating to: renewals and extensions of business contracts.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 190**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 190

Read a third time and passed.

Senate Bill 200

Relating to: products containing mercury and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 200**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 200**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 200

Read a third time and passed.

Senator Grothman, with unanimous consent, asked to be recorded as voting “No” on the question of passage of **Senate Bill 200**.

Senate Bill 226

Relating to: emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 316** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Bill 316

Relating to: emergency management, succession of public offices, liability and licensure of emergency volunteers, disaster relief, ratification of the pest control compact, transportation and disposal of animal carcasses, the plant industry, computation of school days, variance for hospital requirements, public works mutual assistance, emergencies related to computer or telecommunication systems, and providing penalties.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 316

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 226** be laid on the table.

Senate Bill 227

Relating to: interim successors for legislators, meetings of the legislature and legislative committees, and temporary seat of government for the legislature.

Read a second time.

Senate amendment 1 to **Senate Bill 227** introduced by Senator Hopper.

Senator Decker, with unanimous consent, asked that **Senate Bill 227** be referred to committee on **Senate Organization**.

Referred.

Senate Bill 229

Relating to: regional structural collapse teams and granting rule-making authority.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 319** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Bill 319

Relating to: regional structural collapse teams and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 319

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 229** be laid on the table.

Senate Bill 241

Relating to: modifying the definition of all-terrain vehicle.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 241

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Lassa – 1.

Passed.

Senate Bill 243

Relating to: hunting of deer during the open bow hunting season.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 243

Read a third time and passed.

Senate Bill 257

Relating to: emergency assistance grants.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 257

Read a third time and passed.

**SECOND READING AND AMENDMENTS OF
ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS**

Assembly Bill 8

Relating to: municipal quotas for retail intoxicating liquor licenses.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 8

Read a third time and concurred in.

Assembly Bill 33

Relating to: technical changes that affect the public debt amortization fund of a first class city.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 33

Read a third time and concurred in.

Assembly Bill 86

Relating to: authorizing hunting of certain game with a crossbow by nonresidents who have attained the age of 65 years.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 86

Read a third time and concurred in.

Assembly Bill 132

Relating to: a requirement that an employer grant an unpaid leave of absence to allow an employee to participate in an emergency service operation of the Civil Air Patrol and prohibiting discrimination in employment based on Civil Air Patrol membership.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 132

Read a third time and concurred in.

Assembly Bill 308

Relating to: police escorts and vehicle rights-of-way related to escorted vehicles and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 308

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

- Senate Joint Resolution 46**
- Assembly Joint Resolution 19**
- Assembly Joint Resolution 59**
- Assembly Joint Resolution 68**
- Assembly Joint Resolution 70**
- Assembly Joint Resolution 71**
- Senate Bill 190**
- Senate Bill 200**
- Senate Bill 241**
- Senate Bill 243**
- Senate Bill 257**
- Assembly Bill 8**
- Assembly Bill 33**
- Assembly Bill 86**
- Assembly Bill 119**
- Assembly Bill 132**
- Assembly Bill 308**
- Assembly Bill 316**
- Assembly Bill 319**

Messaged.

**ANNOUNCEMENTS, ADJOURNMENT HONORS,
AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senate messenger, Lisa Macaulay. Last night, Lisa went in for a liver transplant. She has been patiently waiting for a donor liver to become available. The surgery was a success and she is in stable condition but she has a long recovery ahead. She is in our thoughts and prayers.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Wilmot High School girls golf team, led by medalist Kailee Wahler, for its first championship in the County Invitational.

Senator Kedzie, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his son, Sean Kedzie, who is celebrating his 19th birthday today.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mellen High School, the Principal Melissa Nigh, the faculty and staff, as well as the 84 students at the school. Mellen High School was recently selected as one of only 8 schools in Wisconsin named by the U.S. Department of Education to the National Blue Ribbon Schools Program. Mellen High School was selected because it is in the top ten percent of schools in Wisconsin and over forty percent of its students come from disadvantaged backgrounds. The National Blue Ribbon Schools will be honored on November 3rd in Washington, D.C. Senator Jauch complimented the academic success of this small rural school and said that its exemplary accomplishment represents the excellent education throughout Wisconsin.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Howie and Jessica Huber; and firefighters in Wisconsin and throughout the nation. On Sunday, September 27 at six o'clock, the ABC television show Extreme Makeover-Home Edition premiere will highlight the construction of a new home for a distinguished Superior firefighter in South Range, in Douglas County. The home is torn down and re-built in 106 hours to honor young firefighter Howie Huber and his wife Jessica. To watch the thousands of volunteer hours that go into accomplishing such an amazing thing is a remarkable and inspiring experience. The home is built as a tribute to fire fighters and the deserving young family, Howie and Jessica Huber.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the more than 500 firefighters who battled the July 6, 2009 fire at the Patrick Cudahy meatpacking plant, the volunteers, and the management of the company for its commitment to keeping the plant operating.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Steven Drees' family, who showed up 17 members strong to honor a great American hero.

Senator Olsen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his former father-in-law Ray Jorgensen or Pine River, Wisconsin, who died on September 20th, 2009.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, September 24, 2009.

1:22 P.M.

Adjourned.